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Letter dated 5 May 2000 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward to you the attached press release, "Algiers peace talks end without success due to Ethiopia's refusal to sign OAU peace plan and ceasefire", issued today, 5 May 2000, by the Ministry of Foreign Affairs of Eritrea (annex I). I also enclose Eritrea's proposals and arguments presented in writing for the just ended proximity talks in Algiers: (a) Eritrea's view on initial measures and ground rules for the proposed talks, dated 23 April 2000, and (b) Eritrea's submission to the proximity talks in Algiers, dated 29 April 2000 (annex II).

I should be grateful if you would kindly circulate the text of the present letter and its annexes as a document of the Security Council.

(*Signed*) Haile **Menkerios**
Ambassador
Permanent Representative

00-42059 (E) 110500

Annex I to the letter dated 5 May 2000 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release

Algiers peace talks without success due to Ethiopia's refusal to sign OAU peace plan and ceasefire

The special Envoy of the OAU Current Chairman, Ahmed Ouyahia, held separate talks in Algiers between April 30 and May 5 with the delegations of Eritrea and Ethiopia. Special Envoys of the United States and the European Union also had separate discussions with both sides.

In these talks, Eritrea re-affirmed its acceptance of the three peace documents of the OAU, namely the Framework Agreement, the Modalities of Implementation and the Technical Arrangements. Eritrea's Foreign Minister, Haile Weldensae, re-iterated Eritrea's readiness to sign the three documents and move on immediately to implementation.

Eritrea also affirmed that if Ethiopia persisted in its rejection of the Technical Arrangements, Eritrea would be ready to sign the first two documents: i.e. the Framework Agreement and the Modalities, which constitute the substance of the OAU peace plan and which were endorsed by the OAU Summit, and to negotiate in earnest to work out the details of implementation. The Framework Agreement stipulates that talks on implementation "would start as soon as the documents are signed" (Art. 9).

Eritrea also affirmed its acceptance of immediate cease-fire which the OAU documents call for as a first step. Indeed, the first article of the Framework Agreement states: "The two parties commit themselves to an immediate cessation of hostilities".

Unfortunately, Ethiopia has categorically refused to sign the Framework Agreement and the Modalities although it had been claiming that it had accepted them. Ethiopia also rejected an immediate cease-fire. This Ethiopian position was communicated to Eritrea by the OAU special envoy, Mr. Ouyahia.

This means that Ethiopia, having rejected the details and sequencing of implementation incorporated in the Technical Arrangements, has also refused to accept the Framework and the Modalities which constitute the basis for any implementation plan. The Ethiopian double talk that it has "accepted" the two documents but will not sign them simply does not wash. Refusal to accept a cease-fire, which is a key provision of the peace plan is further evidence of Ethiopia's ploy of declaring one thing and doing another; of claiming to accept in words and rejecting in action.

Despite Ethiopia's refusal to sign the documents and its rejection of a cease-fire, Eritrea remains committed to peace and will continue its co-operation with the OAU and its partners, the United States and the European Union, whose efforts it appreciates. Eritrea in particular wishes to express its appreciation for the rigorous efforts that the Current Chairman of the OAU and his special envoy have exerted in the past eight months to bring about peace.

Ethiopia's refusal to sign the OAU peace documents and a cease-fire agreement is only proof of its desire to go to war at a time when millions of people are facing starvation and the international community has launched a huge humanitarian rescue operation to stave off death by famine.

Ministry of Foreign Affairs
Asmara
5 May 2000

Annex II to the letter dated 5 May 2000 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Proposals submitted by Eritrea to the Organization of African Unity for the proximity talks in Algiers in April/May 2000

A. Eritrea's views on initial measures and ground rules for the proposed talks

The border conflict between Ethiopia and Eritrea continues unabated posing a serious threat to regional peace and security. Tens of thousands of lives have been lost through direct military conflict. Hundreds of thousands of innocent persons have lost their livelihoods through displacement and destruction of their property. The war has incurred a heavy economic burden and slowed down growth in both countries. The economic downturn is occurring at a time when several years of failed rains have left millions of populations in the Horn of Africa susceptible to hunger and famine. The situation is particularly precarious in Ethiopia where 8 million people are reportedly facing acute starvation.

The conflict was triggered by Ethiopia's acts of aggression to alter the international boundary between the two countries. In October 1997, Ethiopia published a new map of the Administrative Region of Tigray carving out large swathes of sovereign Eritrean territory. This act of unilateral revision of an international boundary is in contravention of international law and the OAU's fundamental principle on the sanctity of colonial boundaries. The preparation of Ethiopia's new map took three and half years illustrating that the fateful decision to violate Eritrea's international boundary was taken much more earlier. In the meantime, Ethiopia resorted to piecemeal and forceful acts of aggression against Eritrea to create facts on the ground; the recent of which were encroachments in western Eritrea and the occupation of Adi-Murug (eastern Eritrea) and dismantling of its administration in June-July 1997. (The OAU High Level Delegation was provided, during its first visit to Eritrea on 18 June 1998, with the letters that the Eritrean President sent to the Ethiopian Prime Minister when these ominous events occurred).

These acts prompted Eritrea to urge for the formation of the Joint Border Commission. Eritrea did not at the time suspect that this was part of a long-term and coherent design orchestrated by the authorities in Ethiopia in accordance with a hidden agenda. Accordingly, Eritrea responded with restraint and responsibility, and, earnestly sought a resolution of the problem through amicable and bilateral channels.

In spite, or because of, Eritrea's restraint and sincere efforts to contain the crisis, Ethiopia persisted in its agenda of territorial aggrandizement. On 6 May 1998, Ethiopian contingents in the Badme area attacked Eritrean patrol units killing several officers. These attacks continued for two days provoking a series of clashes until May 12, and culminating in the declaration of war by Ethiopia. Ethiopia further escalated the war by unleashing an air strike against Eritrea's capital on June 5, 1998. Eritrea had to act in legitimate self-defense. But it continued to insist on legality and the non-use of force firmly believing, as it does, that the border dispute cannot be resolved militarily. In this spirit, Eritrea consistently urged for the non-use of force and for the cessation of hostilities. Eritrea thus welcomed in good faith the agreement on a moratorium on air strikes (brokered by the United States in July 1998). But true to form, Ethiopia violated the agreement on February 6, 1999 with impunity and launched another round of aggression against Eritrea.

Parallel with its declaration of war against Eritrea, Ethiopia boycotted the Eritrean ports precipitously as it closed its border with Eritrea with the aim of imposing air, land and sea blockade. In the process, Ethiopia callously abandoned perishable grain shipments destined to its population. Ethiopia now refuses to accept grain shipments through those ports to feed its suffering people thereby subordinating the grave humanitarian issues to its agenda of war. It insists on transporting aid shipments slowly and laboriously through other more distant routes at considerable added expense to the international community.

Although diplomatic relations between the two countries have not been formally severed, Ethiopia forcibly seized and ransacked Eritrean Embassy premises in Addis Abeba in February 1999. Ethiopia continues to refuse to allow Eritrea access to the Organization of African Unity headquarters as it has, and continues to, reject accreditation of Ambassadors to the OAU that Eritrea has designated.

Ethiopia has expelled from its territory close to seventy thousand persons, most of whom were life-long Ethiopian citizens, because of their Eritrean ancestry. Tens of thousands of these persons are living in refugee camps in Eritrea, near the border. Ethiopia has detained around 1500 Eritrean youths for almost two years now in concentration camps in violation of international law. Many have been killed and several hundred are missing.

This war has caused, and will continue to cause, severe damage and deprivation to millions of innocent people who can ill afford it and must not be asked to. Eritrea merely restates the obvious in declaring the following:

- the border dispute can only be resolved through peaceful and legal means;
- violations of international humanitarian and human rights laws as well as international protections for diplomatic personnel and property must immediately cease;
- the impending famine in Ethiopia can only be averted by quick action;
- long-term solution to this conflict requires a legal resolution by reversing aggression and respecting the status quo of the colonial boundaries.

Eritrea has been clear in its position on the correct location of the international boundary — that the boundary remains in its longstanding historic location — and submitted its case to the OAU High Level Delegation during their visit to Eritrea on 18 June 1998. But Ethiopia has to-date refused to clearly state where it believes the boundary to lie, or to submit its claims to legal processes. Eritrea notes that during the time since Eritrea's formal independence, Ethiopia has on numerous occasions published officially maps depicting the Ethiopian/Eritrean border, and in particular that in 1995 Ethiopia published an official, cartographically precise, map depicting the border in precisely the identical location indicated by Eritrea in its official map of that year. Ethiopia however published a new map in October 1997, as stated earlier, that incorporates large chunks of Eritrean sovereign territory, which it did not rescind thereafter. If Ethiopia believes that its 1995 map no longer accurately depicts its territorial claims, it is incumbent on Ethiopia to state as much publicly at the present time, and to indicate where it believes that the border ought in the alternative to be situated.

Eritrea has affirmed, both verbally and through an official letter of acceptance to the OAU Chairmen respectively, its acceptance of the Organization of African Unity proposals to end the conflict. If Ethiopia has really accepted these proposals, Eritrea calls for the following immediate measures that are enshrined in the same proposals. These initial steps ensure that the proposed talks will start with earnest to elaborate the Details of Implementation of the OAU peace agreements.

I. Imperative of Signing the Framework Agreement and the Modalities of Implementation

The two States should immediately sign the two legal instruments: the OAU Framework Agreement adopted at the Summit of the Central Organ in Ouagadougou on 17 December 1998, and, the Modalities for Implementation adopted by the 35th Summit of Heads of State and Government in Algeries on 14 July 1999. This is provided for by operative paragraph 9 b) of the Framework Agreement which calls for the signature of the document(s) so as to establish a Follow-up Committee of the two sides in order to determine the details of implementation. Formal signature of the two documents is one of the legal guarantees by which the parties can demonstrate without equivocation their commitment and adherence to the peace agreement. Separate letters of acceptance cannot serve as a substitute since the Framework Agreement specifically calls for signature and since "qualifications" have been inserted in those letters. The controversy that arose regarding the Framework Agreement due to "different interpretations" is a vivid case in point. In this regard, Eritrea declares its immediate readiness formally to sign the two instruments. It is also incumbent on the facilitators to uphold the provisions of the Agreements and insist on signature by both parties.

II. Imperative of Signing a Cease-fire Agreement

The two States should sign a formal cease-fire agreement if they adhere to the fundamental principle of non-use of force for resolving disputes which is incorporated in the Framework Agreement and enshrined in the OAU and UN Charters. Indeed, the first article of the Framework Agreement states: "The Two Parties commit themselves to an immediate cessation of hostilities". Furthermore, it is clear that serious and sincere negotiations for a comprehensive peace agreement cannot be conducted under the threat or blackmail of the use of force. Eritrea declares its readiness to immediately sign a cease-fire agreement. Again, it is the duty of the facilitators to insist on the implementation of this imperative if they are to be faithful to the provisions of the Agreements.

In addition, the two States should immediately commit themselves formally to full compliance with international humanitarian and human rights law and

to respect the inviolability of diplomatic personnel and property. In this regard, Ethiopia must stop the illegal deportation of ethnic Eritreans and take expeditious measures to re-instate confiscated property. Furthermore, Ethiopia must immediately release the 1500 Eritrean youth detained in the Dedesa concentration camp. Ethiopia must also respect its Headquarters Agreement with the OAU and allow Eritrea to enjoy its right of representation to the continental body.

Eritrea further proposes the following measure in order to alleviate human suffering and so as to create a better climate for peace:

- The two States should cooperate with the international community in the ongoing endeavours to ensure the flow of humanitarian aid to drought and famine affected areas. In this regard, Eritrea reiterates its readiness to allow the use of Assab Port for the delivery of humanitarian food assistance to drought victims in Ethiopia.

Eritrea believes that implementation of the above-described cease-fire and humanitarian commitments should begin immediately and, furthermore, that the first act of the forthcoming talks will be the formal signature of the two legal instruments, namely the Organisation of African Unity Framework Agreement and the Modalities of Implementation. These preliminary measures and explicit commitments are simple consequences of the Agreements that the two States have already indicated their "acceptance" of. They are also compelled by general principles of international law and vital for enabling the two sides to immediately work out – through direct or proximity talks - the comprehensive confidence building and other necessary interim measures for the period leading up to the complete and final resolution of the dispute through demarcation. These consist of:

1) placement of military and human rights observers;
2) demining;
3) redeployment of troops;
4) interim civilian administration;
5) demilitarization;
6) adjudication of humanitarian claims;
7) investigation into the causes of the dispute; and,
8) final settlement of the border dispute through demarcation.

In this regard, Eritrea shall submit its comprehensive proposals on Details of Implementation at the start of any forthcoming talks in accordance with the

ground rules proposed below. In the event that agreement is not reached in the talks, Eritrea remains ready to sign the Technical Arrangements as originally formulated by the experts assembled from the Organization of African Unity, the United Nations, Algeria and the United States.

Ground Rules for the proposed talks

The peace talks have been stalled for almost eight months now because Ethiopia rejected the whole peace plan, under the pretext of modifying the Technical Arrangements. The Technical Arrangements were prepared by experts from the OAU, the UN, Algeria and the US on the basis of prior commitment by both parties, under the insistence of the authorities in Ethiopia, that they will not be open to amendments. This course of action was chosen because Ethiopia refused at the time to engage in proximity talks in Algiers to work out the details of implementation. Ethiopia has now gone back on its promises.

But responsibility for the time lost cannot be attributed to Ethiopia alone. Eritrea believes that it is imperative that ground rules agreed upon by the two sides should not be shifted arbitrarily in mid-term. They must be adhered fully. The custodians of these ground rules are the OAU and its partners and it behooves on them to ensure the integrity of the peace process.

As we embark on a new phase of talks to work out details of implementation of the Framework Agreement and the Modalities of Implementation, Eritrea believes that there must be clarity on the ground rules that will govern the negotiations. These ground rules must be accepted by both sides and adhered fully throughout the negotiating process.

Eritrea reiterates its preference and readiness for direct talks. In Eritrea's view, this is the best format for expediting the negotiating process and for enabling both parties to communicate their views and proposals to each other in the most effective way. This will reduce the burden on the facilitators who may otherwise have to shuttle between the two sides, which is not different in substance from the operational pattern of mediation in the past two years.

If Ethiopia is not willing to enter into direct talks, however, Eritrea is ready to engage constructively in proximity talks. In Eritrea's view, the ground rules for proximity (or direct) talks should consist of:

1) Full clarity and understanding from the outset that the Details of Implementation will have to be acceptable to both sides. The document to be produced cannot be "non-amendable" in view of the precedence created in the past seven months;
2) Full understanding on the mandate of the facilitators whose function must be facilitation of communication and negotiations between the two parties;
3) Full adherence to the principle of transparency in the negotiations. In this regard, the negotiations shall be carried out in accordance with the following format:
   (a) formal submission of the views of each party in written form;
   (b) exchange of these documents between the two parties;
   (c) written response or counter-proposals, if any, by each party on the submission of the other party;
   (d) identification of the points of mutual agreement (through open discussion between the two parties in direct talks and through the facilitators acting as intermediaries in the proximity talks);
   (e) negotiations on the points of divergence in the original submissions and/or counter-proposals;
   (f) formal signature on the points of agreement as endeavours to narrow differences continue;
4) Identification of outstanding issues for further negotiations;
5) Proper documentation of the negotiations whose transcript shall be available to both sides.

The rules governing investigations that may have to be undertaken must also be clarified. Vital in this regard is clarity on the terms of reference of the investigating body through consultation with the parties and full transparency regarding the outcome which should be available in its entirety to the parties. Eritrea attaches paramount importance to this issue because its legitimate right and express requests to receive the report of the OAU Committee of Ambassadors were denied. The conclusions of any report cannot, evidently, have validity in the absence of transparency and in the circumstances in which the party concerned is not allowed to raise legitimate issues.

Eritrea also deems it important that there be clear guidelines on the interaction of the parties with the OAU and other partners (the United States, the United Nations etc.) that are actively involved in the mediation process.

Eritrea's view in this regard is for working out an appropriate structured mechanism that formalises the role and *modus operandi* of the partners of the OAU. Particular emphasis must be given to the manner of involvement of the United Nations. The UN is not only a guarantor (assisting the OAU) "for the scrupulous implementation of all the provisions of the Framework Agreement, in the shortest possible time", but it will also be responsible for the implementation of key components of the peace agreement. Moreover, operative paragraph 9 a) of the Framework Agreement explicitly provides for its early involvement to assist the OAU in the formulation of the peace implementation plan.

Finally, Eritrea wishes to see a consultation mechanism regarding the public statements that may be issued by the mediators.

Asmara
23 April 2000

B. Eritrea's submission to the proximity talks in Algiers

Eritrea appreciates the tireless efforts of the Organisation of African Unity and its partners in the search for a peaceful solution to the conflict between Eritrea and Ethiopia. As in the past, it will continue to cooperate with these efforts.

Eritrea comes to the proximity talks in Algiers firm in its commitment to peace and ready with constructive ideas designed to advance the peace process.

Eritrea believes that commitment to peace cannot be ascertained by a profusion of pronouncements, no matter how eloquent. It must be matched by taking the concrete measures called for by the Framework Agreement and the Modalities of Implementation, which are the bases for that peace.

Eritrea further believes that peace cannot be achieved on the basis of the pre-conditions or the 'bottom line' of this or that party. These may be mutually exclusive, especially if one party is intransigent, as has unfortunately been the case with Ethiopia. The facilitators must therefore act in fairness not to simply accommodate the 'bottom line' of the intransigent party, which can only end up in failure and further complications.

The breakthrough that has eluded us so far can only materialise if the two parties and the facilitators adhere faithfully to the Framework Agreement and the Modalities of Implementation and insist that the parties accept and implement their provisions without equivocation.

The basic tenets of the Framework Agreement and the Modalities of Implementation are the following:-

1. A comprehensive and lasting "settlement of the conflict through the delimitation and demarcation of the border" (Para. 3 of the Framework);
2. Redressing the human consequences of the war by seeking remedies to its socio-economic ramifications (Para. 8 of the Framework Agreement);
3. Creating a conducive environment for the legal and peaceful resolution of the conflict through a series of confidence building and de-escalation measures in the interim period through cessation of hostilities; redeployment of troops;

ensuring the return of displaced populations and installing interim administrations (Para. 1,2,4, &5 of Framework Agreement and Para. 1- 6 of Modalities of Implementation)

The Agreements envisage a short period for undertaking these tasks in order to bring about lasting peace as quickly as possible. In this spirit, the demarcation of the boundary is expected to be completed within 6 months, with the possibility of extension on technical grounds (Para 6 a) & b) of the Framework Agreement. In the meantime, there will be an "interim period" (Para. 4 of FA), in which there will be a return to "positions" held prior to 6 May, 1998;

The redeployments and the installation of civilian administration for the "interim period" does not determine sovereignty, "which will be determined at the end of the delimitation and demarcation of the border and, if need be, through the appropriate mechanism of arbitration";

"Full and sovereign jurisdiction" will only be exercised once the "border has been delimited and demarcated". During the interim period, on the other hand:

- Neither of the parties is allowed to place military units in the areas of redeployment;

- Both accept the presence of an international military force in the areas concerned;

- Both accept that this military force will have a role in the maintenance of law and order. Specifically, the international force "will assist" the civilian administration " in the maintenance of law and order during the interim period" (Para. 4 of the FA); and

- Both accept the placement of human rights monitors, whose mission is to observe whether the human rights of the citizens of both countries are respected (Para. 8 of the FA).

It is thus clear that, if the parties have accepted the FA and MOI in good faith and not for public relations purposes, there can be no talk of exercising full sovereignty in the areas of redeployment until this sovereignty is determined at the end of the interim period.

Similarly, if the parties have accepted the two documents in earnest, there should be no hesitation effecting a cease-fire and bringing the war to an end forthwith, as the FA calls for in Para. 1, for an "immediate" cessation of the war.

Neither is there any ambiguity about Para. 9 of the FA, which calls for the signing of Agreement, and predicates on it, the commencement of the work of the follow-up committee entrusted with determining the detailed "modalities for the implementation of the FA". Para 9b states explicitly, "the committee begin its work as soon as the Framework Agreement is signed." This proximity talks have been called to work out these details and if we are to be faithful to the FA, as indeed we must be, then the FA and the MOI must be signed before discussion on the detailed arrangements starts. It is clear that the MOI presented to the parties in Algiers in July 1999 were intended to resolve the "differing interpretations" over the FA and are not the detailed modalities envisaged by Para. 8b. If they were, there would have been no need for this meeting. In any case, the parties cannot claim to have accepted the documents and then refuse to sign them. Refusal to sign is conclusive proof of non-acceptance.

The experience to-date

Although some progress has been made, the peace process has been a frustrating experience. Eritrea's desire for peace and its flexibility have been misunderstood for weakness, its goodwill abused, its concerns ignored, even when they are fully consistent with the Framework Agreement. Conversely, the Ethiopian government continues to be placated for its stridency, its military posturing and inflexibility. Addis Ababa's pre-conditions, its 'bottom line', what it can or cannot accept have been indulged, even while they are contradictory to the Framework Agreement, which it professes to accept. It has been allowed to continually move the goal post, to get away with violation of the Agreements it claims to have accepted, to renege on commitments made, to frustrate the peace process by holding it hostage to its preconditions.

The Ethiopian government made the ridiculous claim that "Badme and environs" meant all territories seized by Eritrea and refused to move to implementation of the Framework Agreement. This was despite the fact that the OAU had given written clarifications to Eritrea, on January 26, 1999, that this clause inserted in Paragraph 3 of the Framework Agreement referred to "Badme and its surroundings". Nonetheless, Ethiopia was duly rewarded by the Algiers document, the Modalities of Implementation. The next step was to have been the formal signing of the two documents and the start of talks on implementation. The special envoy of the OAU Chairman and the special envoy of the United States came to Ethiopia and Eritrea to ask both parties to send their delegations to Algiers for the signing. Addis Ababa refused, saying it wanted a third document and the facilitators obliged, asking Eritrea to show goodwill, which it did. The third document, the Technical Arrangements, was duly presented, with the consent of both parties that it would not be "open to amendment". Despite the serious reservations it had on many of its provisions, Eritrea accepted the Technical

Arrangements as a "take it or leave it" document. It was told to keep patient, to rest assured that nothing would change, and that if Ethiopia did not accept, it would be subject to international censure and sanctions. Ethiopia reneged on its commitment to accept the Technical arrangements without amendment, but instead of being punished, it was rewarded once again, the ground rules were changed and the Technical Arrangements were scrapped, on the basis of negotiations conducted behind Eritrea's back. To add insult to injury, statements were issued intimating that Ethiopia was right in rejecting the Technical Arrangements.

The way forward

Eritrea believes that the peace process should benefit from this frustrating experience. It is convinced that the only way to move out of the vicious circle we are in and to go forward is to move step by step; to ensure that the parties make good on commitments entered, before the next hurdle is tackled.

Eritrea has been told, by the Special Envoy among others, that it should have insisted on the signing of the Framework Agreement and the Modalities of Implementation last July. It is advice that it has taken to heart. Now that the Technical Arrangements have been scrapped, after many months of fruitless effort, and we are back where we were in July 1999, Eritrea insists that the two documents be signed, before talks begin on detailed arrangements. This in any case is what Para. 9b of the Framework Agreement and Paragraph 7 of the Modalities of Implementation call for. Eritrea also believes that it is imperative that the parties accept the coming into effect of an immediate cease-fire, which follows automatically from their acceptance of the Framework Agreement.

Once these two steps have been taken in fulfillment of the provisions of the Framework Agreement and the Modalities of Implementation, talks can start in earnest on the detailed arrangements for implementation.

Eritrea has through its submission of April 23, 2000, already communicated to the OAU its views on the ground rules for these talks. These are:-

1) Full clarity and understanding from the outset that the Details of Implementation will have to be acceptable to both sides. The document to be produced cannot be "non-amendable" in view of the precedence created in the past seven months;
2) Full understanding on the mandate of the facilitators whose function must be facilitation of communication and negotiations between the two parties;

3) Full adherence to the principle of transparency in the negotiations. In this regard, the negotiations shall be carried out in accordance with the following format:

(a) formal submission of the views of each party in written form;
(b) exchange of these documents between the two parties;
(c) written response or counter-proposals, if any, by each party on the submission of the other party;
(d) identification of the points of mutual agreement (through open discussion between the two parties in direct talks and through the facilitators acting as intermediaries in the proximity talks);
(e) negotiations on the points of divergence in the original submissions and/or counter-proposals;
(f) formal signature on the points of agreement as endeavours to narrow differences continue;

4) Identification of outstanding issues for further negotiations;
5) Proper documentation of the negotiations whose transcript shall be available to both sides.

The rules governing investigations that may have to be undertaken must also be clarified. Vital in this regard is clarity on the terms of reference of the investigating body through consultation with the parties and full transparency regarding the outcome which should be available in its entirety to the parties. Eritrea attaches paramount importance to this issue because its legitimate right and express requests to receive the report of the OAU Committee of Ambassadors were denied. The conclusions of any report cannot, evidently, have validity in the absence of transparency and in the circumstances in which the party concerned is not allowed to raise legitimate issues.

Eritrea also deems it important that there be clear guidelines on the interaction of the parties with the OAU and other partners (the United States, the United Nations etc.) that are actively involved in the mediation process. Eritrea's view in this regard is for working out an appropriate structured mechanism that formalises the role and *modus operandi* of the partners of the OAU. Particular emphasis must be given to the manner of involvement of the United Nations. The UN is not only a guarantor (assisting the OAU) "for the scrupulous implementation of all the provisions of the Framework Agreement, in the shortest possible time", but it will also be responsible for the implementation of key components of the peace agreement. Moreover, operative paragraph 9 a) of the Framework Agreement explicitly provides for its early involvement to assist the OAU in the formulation of the peace implementation plan.

Finally, Eritrea wishes to see a consultation mechanism regarding the public statements that may be issued by the mediators.

Eritrea hopes that here in Algiers progress can be made in the peace process. Indeed, it sees no reason why progress cannot be made if there is strict adherence to the provisions of the two documents that were endorsed by the OAU Summit and which both parties claim to have accepted. By the same token, failure to uphold those provisions and the opening of cracks for either of the two parties, is bound to lead to the frustration of these latest peace effort.

Finally, and as communicated to our Chairman through the letter of President Isaias of 23 April, Eritrea will submit its comprehensive views on the Details of Implementation in forthcoming sessions.

Algiers
29 April 2000

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Letter dated 5 May 2000 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

On instruction from my Government, I have the honour to transmit herewith the text of a statement adopted by the Milli Mejlis (Parliament) of the Republic of Azerbaijan on 28 April 2000 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Eldan **Kouliev**
Permanent Representative

00-42065 (E) 130500

Annex to the letter dated 5 May 2000 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement adopted by the Milli Mejlis of the Republic of Azerbaijan on 28 April 2000

In connection with the plans to hold "elections" to the so-called "parliament of the Nagorny-Karabakh Republic" in June 2000 in the highland part of the Karabakh region of Azerbaijan, the Milli Mejlis of the Republic of Azerbaijan deems it necessary to state the following:

At a time when the Armenian armed forces are still occupying Nagorny Karabakh, which is an integral part of the Republic of Azerbaijan, and when the Azerbaijanis, who are the local population of the region, have been driven from their homes, the holding of "elections" to organs of power of the puppet regime established with the aid of foreign intervention contradicts the universally accepted international legal principles and norms, and the Constitution and laws of the Republic of Azerbaijan, and has no legal force. This latest political provocation, grossly violating the normal civil rights of the 50,000 Azerbaijanis driven from the highland part of Karabakh, demonstrates the intention of the Armenian separatists to hinder efforts to establish lasting peace in the region.

Expressing the sovereign will of the Azerbaijani people, the Milli Mejlis of the Republic of Azerbaijan regards the holding of "elections" to the "parliament" of the so-called "Nagorny-Karabakh Republic", which is not recognized by a single State, as an attempt to flout the sovereignty and independence of the Republic of Azerbaijan, encroach on the territorial integrity of the Republic, and legitimize the puppet regime.

Legal organs of power, including elected representative bodies, may be established in the highland part of Karabakh only after the consequences of the aggression by the Republic of Armenia against Azerbaijan have been eliminated, the sovereignty of the Republic of Azerbaijan has been fully established throughout its territory, the Azerbaijani refugees have returned to their homes, and the ethnic map of the region which existed before the occupation has been restored.

As is well known, international efforts to resolve the Armenian-Azerbaijani conflict began with the establishment in May 1992 of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), and the definition of the mandate of a future peace conference. Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), adopted by the Council in 1993 with regard to the Armenian-Azerbaijani conflict, have become an integral part of the legal basis for a settlement. The decision issued in 1994 at the Budapest summit of OSCE, and also the decisions of the Lisbon summit of OSCE of 1996, which defined the principles for the settlement of the conflict, namely the principles of confirming the territorial integrity of Azerbaijan and Armenia, granting Nagorny Karabakh the lofty status of self-government within Azerbaijan, and guaranteeing the security of the entire population of Nagorny Karabakh, were an extremely important political achievement for a just settlement of the Armenian-Azerbaijani conflict.

It must be noted with regret that in the subsequent period, all the options for a settlement proposed by the co-chairmen of the Minsk Group on the basis of the resolutions of the Security Council and the decisions and final documents of the Budapest and Lisbon summits of OSCE failed to produce results precisely because of the destructive actions of the Armenian side. The criminal political game of holding "elections" to the so-called "parliament" in the highland part of the Karabakh region of Azerbaijan should also be viewed from this perspective.

The Milli Mejlis of the Republic of Azerbaijan informs the international community that the attempt to hold these illegal "elections" will have an adverse effect on the course of the peace talks for a settlement of the Armenian-Azerbaijani conflict.

The Milli Mejlis of the Republic of Azerbaijan calls upon the Armenian community of Nagorny Karabakh to renounce these criminal actions, put an end to the gross violations of the Constitution and laws of the Republic of Azerbaijan, and stop disrupting the peace talks.

Once again confirming the commitment of the Republic of Azerbaijan to a peaceful settlement of the Armenian-Azerbaijani conflict, the Milli Mejlis of the Republic of Azerbaijan calls upon the Armenian side to take a constructive position in the peace process, and to refrain from any actions which would complicate the talks which are being conducted within the Minsk Group of OSCE.

The Milli Mejlis of the Republic of Azerbaijan calls upon the United Nations, the Inter-Parliamentary Union, the Organization for Security and Cooperation in Europe, the Council of Europe, the Commonwealth of Independent States, other international organizations, and the parliaments and Governments of countries of the world, to put a stop to the provocative action of holding so-called "parliamentary elections" in the highland part of the Karabakh region of Azerbaijan, which is infringing on the peace process, and to assist the peaceful settlement of the Armenian-Azerbaijani conflict within the framework of the Minsk Group of OSCE.